

## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 NETWORK APPLIANCE, INC.,

No. C-07-06053 EDL

9 Plaintiff,

**ORDER REGARDING JOINT REPORT  
RE: CLAIM CONSTRUCTION OF  
“INCORE ROOT INODE”**

10 v.

11 SUN MICROSYSTEMS, INC.,

12 Defendant.

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14 Pursuant to the Court's October 22, 2008 Order Regarding Network Appliance Inc's Motion  
15 for Leave to File Motion for Reconsideration Or, in the Alternative, for Entry of Final Judgment, the  
16 parties filed a joint report regarding the construction of "incore root inode" from the '211 patent, and  
17 proposed the following modification of the Court's construction: "**incore root inode**" means "a data  
18 structure that includes a copy of the on-disk root inode that is contained in memory; this copy need  
19 not be in a fixed location in memory."

20 At the outset of the November 10, 2008 claim construction hearing in Sun Microsystems,  
21 Inc. v. Network Appliance, Inc., C07-5488 EDL, the Court addressed the parties' joint report and  
22 proposed further modification of the term "incore root inode" to mean "a data structure, contained in  
23 memory, that includes a copy of the on-disk root inode; this copy need not be in a fixed location in  
24 memory." Sun agreed to this modification, and NetApp, having asked for time to consider the  
25 Court's proposal, has not objected to this modification.

26 Pursuant to the parties's agreed-upon modification, as further modified by the Court, the  
27 construction of the term "**incore root inode**" from the '211 patent is hereby amended to be "a data

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1 structure, contained in memory, that includes a copy of the on-disk root inode; this copy need not be  
2 in a fixed location in memory.”

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4 **IT IS SO ORDERED.**

5 Dated: March 2, 2009

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*Elizabeth D. Laporte*

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ELIZABETH D. LAPORTE  
United States Magistrate Judge